

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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GINA TITO,  
on behalf of herself and  
all others similarly situated,

Plaintiff

v.

RUBIN & ROTHMAN, LLC and  
KEITH ROTHMAN, ESQ.

**NOTICE OF MOTION FOR  
ATTORNEY'S FEES AND  
COSTS**

**12-cv-3464**

**Hon. Roslynn R. Mauskopf**

**Hon. Joan Azrack**

Defendants.

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Pursuant to the terms of the Class Action Settlement Agreement between the parties (Exhibit 1 to Plaintiff's Memorandum In Support Of Joint Motion For Preliminary Approval Of Class Action Settlement, filed 5/21/13 (ECF Doc. 21), in which the parties have agreed to submit the issue of reasonable attorney's fees and costs to the Court, and pursuant to 15 U.S.C § 1692k, Plaintiff hereby moves for attorney's fees and costs.

Plaintiff attaches the following in support of her motion:

A. Attorney Declaration of Daniel A. Schlanger, Esq. of Schlanger & Schlanger, LLP, including attachments thereto, as follows:

Exhibit 1: Time Records for Schlanger & Schlanger, LLP

Exhibit 2: Itemization of Costs for Schlanger & Schlanger, LLP

Exhibit 3: Resumes of Schlanger & Schlanger, LLP's non-attorney support staff.

B. Attorney Declaration of Elizabeth Shollenberger, Esq. of Schlanger & Schlanger, LLP

C. Attorney Declaration of Peter Lane, Esq. of Schlanger & Schlanger, LLP

D. Attorney Declaration of James B. Fishman, Esq., of Fishman & Mallon, LLP, including attachments thereto as follows:

Exhibit A: Time Records of Fishman & Mallon, LLP

Exhibit B: Resume of James B. Fishman, Esq.

E. Plaintiff's Memorandum of Law

Plaintiffs' counsels' fees and costs are as follows:

	<u>Hours</u>	<u>Hourly Rate</u>	<u>Total</u>
<b><u>Schlanger &amp; Schlanger LLP</u></b>			
Daniel A. Schlanger, Esq.	14.40	340.00	\$4,896.00
Daniel A. Schlanger, Esq.	46.80	350.00	\$16,380.00
Elizabeth Shollenberger, Esq.	10.70	400.00	\$4,280.00
Peter T. Lane, Esq.	6.70	300.00	\$2,010.00
Paralegals	4.40	100.00	\$440.00
Prospective Work --Reply Memorandum Re: Fees	8	350.00	\$2,800.00
Prospective Work --Post-Fee Petition	20	350.00	\$7,000.00
through Final Order and Claims Processing			
Total Schlanger & Schlanger Fees:			<u>\$37,806.00</u>
Schlanger & Schlanger Costs:			<u>492.58</u>
<b><u>Fishman &amp; Mallon, LLP</u></b>			
James B. Fishman, Esq.	10.85	550.00	\$5,967.50
Total Fishman & Mallon Fees:			<u>\$5,967.50</u>
<b>Total Attorneys' Fees:</b>			<b><u>\$43,773.50</u></b>
<b>Total Costs:</b>			<b><u>492.58</u></b>
<b>TOTAL FEES AND COSTS:</b>			<b><u>\$44,266.08</u></b>

The reasonableness of the hours listed above is based on Plaintiffs' counsels' contemporaneous time records, which are attached hereto and which reflect the hours spent on the instant litigation.

As detailed in the attached documents, the work performed was all reasonably necessary and the hourly rates are commensurate with the experience, skills and qualifications of the individuals performing the tasks and constitute the reasonable, fair market rates of the individuals involved.

Dated: New York, New York  
June 5, 2013

Respectfully,



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*Counsel for Plaintiff*